

**PETITION FOR ZONING VARIANCE**  
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.5.C.1 to permit a side yard setback of 16 feet in lieu of the required 25 feet.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
- 1) We would like to use our property to its greatest potential.
  - 2) To add greater living space.
  - 3) To prepare for future family additions.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
 I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_ Legal Owner(s): \_\_\_\_\_  
 (Type or Print Name) **Jeffrey John Butta**  
 Signature *Jeffrey John Butta*  
 Address **Linda Elaine Butta**  
 City and State **Baltimore, Maryland**  
 Attorney for Petitioner: \_\_\_\_\_  
 (Type or Print Name) **7109 Cuning Circle** 335-2623  
 Address Phone No.  
**Baltimore, Maryland** 21220  
 City and State  
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City and State \_\_\_\_\_  
 Attorney's Telephone No.: \_\_\_\_\_  
 Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of June 19 87, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of July 19 87, at 10:30 A.M.

*Arnold Jablon*  
 Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING  
 Date *July 27 1987*  
 By *[Signature]*

441  
 88-41-A  
 11-17-88  
 MAP NE 71  
 52  
 E.D. 15  
 DATE 8/22/87  
 200  
 1000  
 DP  
 N 24, 125  
 E 71, 740

88-41-A  
 # 441  
 Jeffrey John Butta, et ux 88-41-A  
 NW/Cor. Cuning Circle and Dimely Ct.  
 (7109 Cuning Circle)  
 5th C.D.

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

Arnold Jablon  
 TO Zoning Commissioner Date July 15, 1987  
 FROM Norman E. Gerber, AICP, Director  
 Office of Planning and Zoning  
 Zoning Petition Nos. 88-37-A, 88-41-A,  
 SUBJECT 88-43-A, 88-52-A and 88-62-A

Please consider the Chesapeake Bay Critical Area Findings (see memos dated July 13, 1987, from Gerber to Jablon) to represent the position of this office.

*Norman E. Gerber*  
 Norman E. Gerber, AICP

NEG/JGH/af

CPS-008

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

July 15, 1987

COUNTY OFFICE BLDG.  
 111 W. Chesapeake Ave.  
 Towson, Maryland 21284

Mr. & Mrs. Jeffrey J. Butta  
 7109 Cuning Circle  
 Baltimore, Maryland 21220

RE: Item No. 441 - Case No. 88-41-A  
 Petitioner: Jeffrey J. Butta, et ux  
 Petition Zoning Variance

- Chairman  
 MEMBERS  
 Bureau of Engineering  
 Department of Traffic Engineering  
 State Roads Commission  
 Bureau of Fire Prevention  
 Health Department  
 Project Planning  
 Building Department  
 Board of Education  
 Zoning Administration  
 Industrial Development

Dear Mr. & Mrs. Butta:  
 The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
*James E. Dyer*  
 JAMES E. DYER  
 Chairman  
 Zoning Plans Advisory Committee

JED:bjs  
 Enclosures  
 cc: File

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO Arnold Jablon Date July 13, 1987  
 Zoning Commissioner  
 FROM Norman E. Gerber, AICP, Director  
 Office of Planning and Zoning  
 SUBJECT Chesapeake Bay Critical Area Findings- Jeffrey J. Butta,  
 et ux (88-41-A, item 441)

In accordance with Section 8-1813 of the Chesapeake Bay Critical Law and the July 8, 1985 Opinion from the County attorney, it is hereby my "findings" that the proposed development will comply with the terms of Section 8-1813(a) for minimizing adverse impacts on water quality and protecting identified habitats, provided that the zoning petition is conditioned on compliance with the following requirements:

1. Three (3) major deciduous trees, or six (6) conifers, or six (6) minor deciduous trees are planted and maintained on the lot. A combination of these three tree types is acceptable provided that 3,000 square feet of tree cover is provided. A large deciduous tree is estimated to cover 1,000 square feet and a minor deciduous or conifer 300 square feet. Any existing trees that are to remain can be credited toward meeting these requirements.
2. Storm water runoff from impervious surfaces associated with this petition should be directed over previous areas such as lawn to encourage maximum infiltration.

*Norman E. Gerber*  
 Norman E. Gerber, AICP, Director  
 Office of Planning and Zoning

NEG/PJS/jaw  
 cc: Robert Sheesley  
 Janice Outen  
 Tim Dugan  
 David Fields  
 Jim Howell  
 Tom Vidmar  
 People's Counsel

ORDER RECEIVED FOR FILING  
 Date \_\_\_\_\_  
 By \_\_\_\_\_

RECEIVED  
 JUL 16 1987  
 ZONING OFFICE

**BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING**  
 TOWSON, MARYLAND 21204  
 494-4500

XXXXXXXXXXXX  
 C. Richard Moore  
 Acting Director

June 2, 1987

Mr. Arnold Jablon  
 Zoning Commissioner  
 County Office Building  
 Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 439, 440, 441 and 450.

Very truly yours,  
*Michael S. Flanagan*  
 Michael S. Flanagan  
 Traffic Engineer Associate II

MSF:lt

Baltimore County  
 Fire Department  
 Towson, Maryland 21204-2586  
 494-4500

Paul H. Reincke  
 Chief May 13, 1987

Mr. Arnold Jablon  
 Zoning Commissioner  
 Office of Planning and Zoning  
 Baltimore County Office Building  
 Towson, MD 21204



Re: Property Owner: Jeffrey John Butta, et ux  
 Location: NE/C Cuning Circle and Dimely Court  
 Item No.: 441 Zoning Agenda: Meeting of 5/12/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( X ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*  
 Noted and Approved: \_\_\_\_\_  
 Planning Group Fire Prevention Bureau  
 Special Inspection Division

/s/

Case No. 88-41-A  
**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**  
 County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204  
 Your petition has been received and accepted for filing this 5th day of June, 1987.  
*Arnold Jablon*  
 ARNOLD JABLON  
 Zoning Commissioner  
 Received by: *James E. Dyer, Jr.*  
 Chairman, Zoning Plans  
 Advisory Committee  
 Petitioner Jeffrey J. Butta, et ux  
 Attorney \_\_\_\_\_

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance requested will not adversely affect the health, safety, and general welfare of the community, the variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of July, 1987, that the Petition for Zoning Variance to permit a side yard setback of 16 feet in lieu of the required 25 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Compliance with the Chesapeake Bay Critical Area comments submitted by the Director of Planning, dated July 13, 1987, attached hereto and made a part of this Order.

*Arnold Jablon*  
Zoning Commissioner of Baltimore County

AJ/srl  
Attachment  
cc: Mr. & Mrs. Jeffrey John Butta  
People's Counsel

ORDER RECEIVED FOR FILING  
Date July 29 1987  
By *Arthur J. Langley*

Zoning Description

Beginning on the northside of Cuning Circle 50 feet wide, at the intersection of Cuning Circle and Dimely Court. Being lot 36, block G in the subdivision of Cunningham Cove (Bay Country) Plat Book 46 Folio 113. Also known as 7109 Cuning Circle in the 15th election district.

OFFICE COPY

PETITION FOR ZONING VARIANCE  
15th Election District - 5th Councilmanic District  
Case No. 88-41-A

LOCATION: Northwest Corner of Cuning Circle and Dimely Court (7109 Cuning Circle)  
DATE AND TIME: Monday, July 27, 1987, at 10:30 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side yard setback of 16 feet in lieu of the required 25 feet

Being the property of Jeffrey John Butta, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

July 22, 1987

Ms. Jeffrey John Butta  
Mrs. Linda Elaine Butta  
7109 Cuning Circle  
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE  
NW/cor. Cuning Circle and Dimely Ct.  
(7109 Cuning Circle)  
15th Election District - 5th Councilmanic District  
Jeffrey John Butta, et ux - Petitioners  
Case No. 88-41-A

Dear Mr. and Mrs. Butta:

This is to advise you that \$70.08 is due for advertisement and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 106, County Office Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 37803

DATE 7-27-87 ACCOUNT R-01-615-000  
signs returned AMOUNT \$ 70.08  
RECEIVED FROM Jeffrey J. Butta, et ux  
FOR Advertisement Posting 88-41-A  
VALIDATION OR SIGNATURE OF CARRIER

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
NW/Corner Cuning Circle & Dimely Ct. (7109 Cuning Circle): OF BALTIMORE COUNTY  
15th District :  
JEFFREY JOHN BUTTA, et ux, : Case No. 88-41-A  
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 30th day of June, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Jeffrey J. Butta, 7109 Cuning Circle, Baltimore, MD 21220, Petitioners.

RECEIVED  
JUL 1 1987  
ZONING OFFICE

*Peter Max Zimmerman*  
Peter Max Zimmerman

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15th Date of Posting 7/28/87  
Posted for: Variance  
Petitioner: Jeffrey John Butta, et ux  
Location of property: NW/Corner Cuning Circle & Dimely Ct. 7109 Cuning Circle  
Location of Signs: Being Cuning Circle, at NW/Corner Dimely Ct. 7109 Cuning Circle, on property of Petitioners  
Remarks:  
Posted by: *Phyllis Cole Friedman* Date of return: 7/28/87  
Number of Signs: 1

Mr. Jeffrey John Butta  
Mrs. Linda Elaine Butta  
7109 Cuning Circle  
Baltimore, Maryland 21220

June 16, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE  
NW/cor. Cuning Circle and Dimely Ct.  
(7109 Cuning Circle)  
15th Election District - 5th Councilmanic District  
Jeffrey John Butta, et ux - Petitioners  
Case No. 88-41-A

TIME: 10:30 a.m.  
DATE: Monday, July 27, 1987  
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Petition For Zoning Variance  
15th Election District  
Case No. 88-41-A  
LOCATION: Northwest Corner of Cuning Circle and Dimely Court (7109 Cuning Circle)  
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Being the property of Jeffrey John Butta, et ux, as shown on plat plan filed with the Zoning Office.  
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The Times

Middle River, Md., July 19 87  
This is to Certify, That the annexed Petition was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 9th day of July, 1987  
*Jul. Blum* Publisher.

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 9, 1987  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing July 9, 1987.

THE JEFFERSONIAN,

*Susan Sander O'Brien*  
Publisher

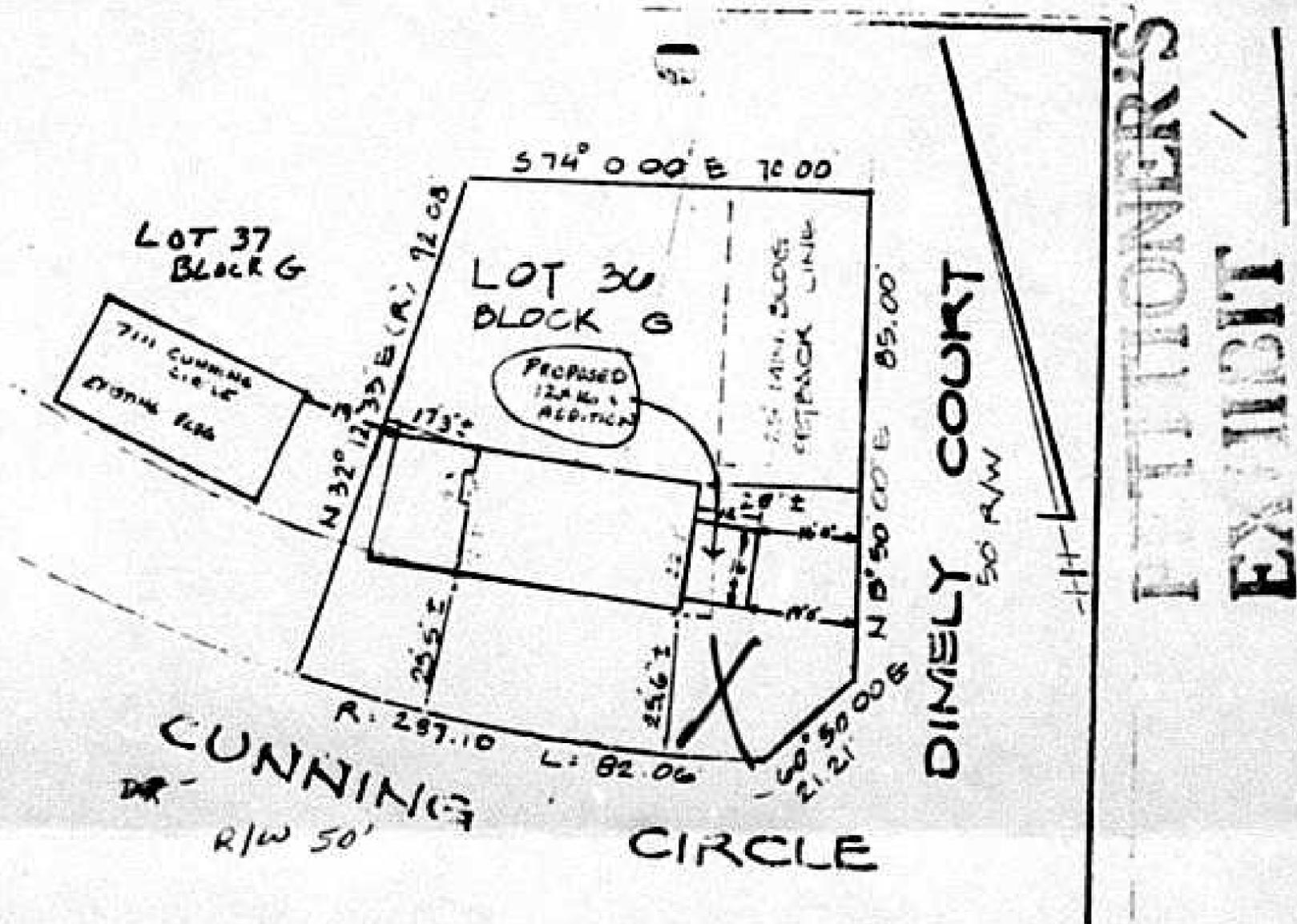
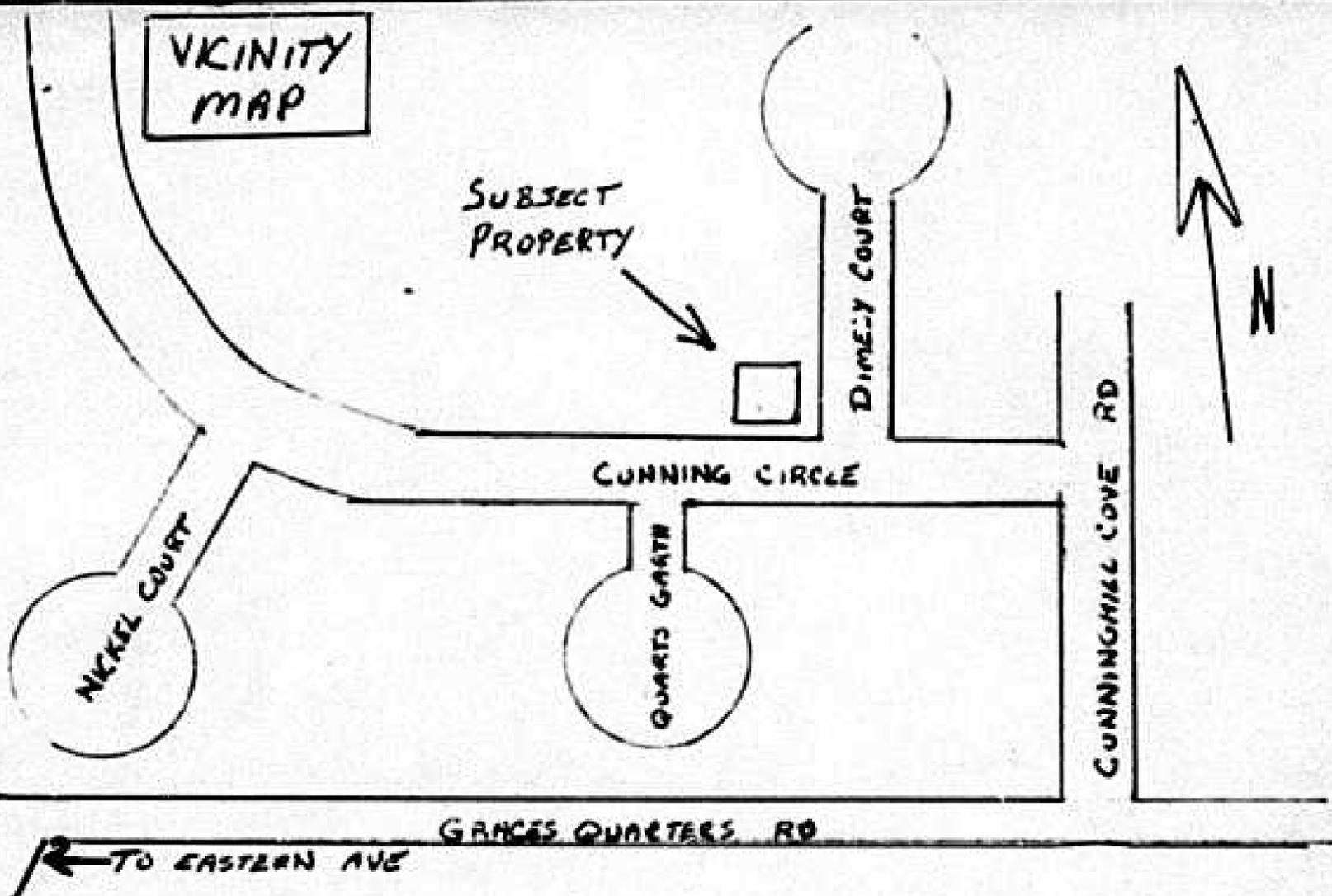
PETITION FOR ZONING VARIANCE  
15th Election District  
Case No. 88-41-A  
LOCATION: Northwest Corner of Cuning Circle and Dimely Court (7109 Cuning Circle)  
DATE AND TIME: Monday, July 27, 1987, at 10:30 a.m.  
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BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 36018

DATE 7/9/87 ACCOUNT R-01-615-000  
AMOUNT \$ 35.00  
RECEIVED FROM Jeffrey John Butta  
FOR ZONING VARIANCE 88-41-A  
VALIDATION OR SIGNATURE OF CARRIER

VICINITY  
MAP

SUBJECT  
PROPERTY



441  
88-41-A

PLAT FOR ZONING VARIANCE  
 OWNER - Jeffrey & Linda Butta  
 District 15 zoned RES DR55  
 Subdivision Cunninghill Cove (Bay Country)  
 Lot 36 Block G Book EHKJR46 Folio 113  
 Existing utilities in Cunning Circle  
 Lot Size 6,731.70 sq. ft. - .20 acres  
 Scale 1" = 30'

OFFICE COPY

